



DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XC781]

Atlantic Coastal Fisheries Cooperative Management Act Provisions; General Provisions for Domestic Fisheries; Application for Exempted Fishing Permits

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; request for comments.

SUMMARY: The Assistant Regional Administrator for Sustainable Fisheries, Greater Atlantic Region, NMFS, has made a preliminary determination that an Exempted Fishing Permit application contains all of the required information and warrants further consideration. The Exempted Fishing Permit would allow commercial fishing vessels to fish outside fishery regulations in support of research conducted by the applicant. Regulations under the Magnuson-Stevens Fishery Conservation and Management Act and the Atlantic Coastal Fisheries Cooperative Management Act require publication of this notification to provide interested parties the opportunity to comment on applications for proposed Exempted Fishing Permits.

DATES: Comments must be received on or before **[INSERT DATE 15 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]**.

ADDRESSES: You may submit written comments by any of the following methods:

- Email: nmfs.gar.efp@noaa.gov. Include in the subject line "NHFG Early Benthic-Phase Lobster Trap EFP."

FOR FURTHER INFORMATION CONTACT: Laura Deighan, Fishery Management Specialist, Laura.Deighan@noaa.gov, (978) 281-9184.

SUPPLEMENTARY INFORMATION: The New Hampshire Fish and Game

Department submitted a complete application for an Exempted Fishing Permit (EFP) to conduct commercial fishing activities that the regulations would otherwise restrict. The EFP would allow the Department to continue pilot testing of early benthic-phase (EBP) lobster traps, which target lobsters between 15- and 50-mm carapace length, to determine their feasibility for broader use in lobster surveys. This EFP would exempt the participating vessel from the Federal regulations described in Table 1.

Table 1 -- Requested Exemptions

Citation	Regulation	Need for exemption
50 CFR 697.21(c) and § 697.21(d)	Gear specification requirements	To allow for the use of modified traps with no escape vents or ghost panels
§ 697.19	Trap limit requirements	To allow for one additional trap
§ 697.19(j)	Trap tag requirements	To allow for the use of four untagged traps
§§ 697.20(a)(7), 697.20(a)(8), 697.20(b)(5), 697.20(b)(6), 697.20(d), and 697.20(g)	Possession restrictions	To allow for onboard biological sampling of undersized, oversized, v-notched, and egg-bearing lobsters
§ 697.21(a)	Gear identification and marking requirements	To allow for the use of four unmarked traps

This project would use one federally permitted lobster vessel to pilot test the use of four EBP lobster traps in Lobster Management Area 3 (Statistical Areas 561, 562, and 522). The EBP traps are 80-cm square traps based on a modified crawfish trap. They have four square openings, measuring less than two inches (5.08 cm), which lead to ramps that drop the lobsters into a baited kitchen. Inside the traps, there are additional ramps that lead the lobsters to four cylindrical parlors with vertical openings. The traps are attached to cement runners that provide weight and maintain proper orientation.

The participants would place two EBP traps each on two of their existing trawls and haul them twice per trip during the course of the vessel's normal fishing activity. The vessel would take between 9 and 13 experimental trips, lasting from 7 to 12 days, between May 15 and November 15, 2023. The crew would rig the EBP traps within

Atlantic Large Whale Take Reduction Plan-compliant commercial trawls, resulting in no additional end lines. The vessel would fish one trap above its 2023 allocation, but would remain within the universal Area 3 trap cap. Researchers would allow up to 144 total hauls, but expect 72 to 104 hauls. At each haul, the crew would record, and immediately release, all bycatch and measure, sex, and release all lobsters from the EBP trap. They would also sample catch in two standard traps per trawl (four total) as control data. They would land and sell the legal catch from the standard traps.

The goal of this project is to test the selectivity of the EBP trap (versus ventless traps that often catch eel and crab) and the scalability of its use. If successful, EBP traps could be used in lobster surveys to provide information about larval-settlement patterns and juvenile nursery grounds.

If approved, the applicant may request minor modifications and extensions to the EFP throughout the year. EFP modifications and extensions may be granted without further notice if they are deemed essential to facilitate completion of the proposed research and have minimal impacts that do not change the scope or impact of the initially approved EFP request. Any fishing activity conducted outside the scope of the exempted fishing activity would be prohibited.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: February 13, 2023.

Jennifer M. Wallace,

Acting Director, Office of Sustainable Fisheries,

National Marine Fisheries Service.